

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLES HOLBROOK,

Petitioner,

v.

Case Number 2:17-cv-13081

HONORABLE DENISE PAGE HOOD

CHIEF UNITED STATES DISTRICT JUDGE

ERICK BALCARCEL,

Respondent,

_____ /

**OPINION AND ORDER DENYING THE MOTIONS FOR
RECONSIDERATION (Doc. 23, 24).**

Petitioner, Charles Holbrook, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state court convictions for two counts of producing child sexually abusive material, two counts of allowing a child to engage in child sexually abusive activity, two counts of possessing child sexual abusive material, accosting a child for immoral purposes, felon in possession of a firearm, and being a third felony habitual offender. Petitioner had challenged these convictions in a prior habeas petition. This Court ordered that the case be transferred to the United States Court of Appeals for authorization to file a successive habeas petition pursuant to 28 U.S.C. § 2244(b)(3)(A).

The Sixth Circuit has since denied petitioner permission to file a successive habeas petition. See *In Holbrook*, U.S.C.A. No. 17-2242 (6th Cir. Mar. 21, 2018).

Petitioner has now filed two new petitions, which the Court construes as motions for reconsideration of the Court's opinion and order transferring the case to the Sixth Circuit. For the reasons that follow, the motions are DENIED.

A district court lacks the authority to reinstate a habeas petitioner's second or successive petition for writ of habeas corpus after the Court of Appeals declines to grant petitioner leave to file such a petition. See *White v. Carter*, 27 F. App'x. 312, 313-14 (6th Cir. 2001). Therefore, this Court is without authority to grant petitioner relief from the Sixth Circuit's refusal to grant petitioner permission to file a successive habeas petition.

IT IS HEREBY ORDERED that the motions for reconsideration (Dkt. # 23, 24) are DENIED.

SO ORDERED.

S/Denise Page Hood
Denise Page Hood
Chief Judge, United States District Court

Dated: May 1, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 1, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager